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04-CV-052  
Request to Testify  
1/28 Dallas

To <Peter\_McCabe@ao.uscourts.gov>

cc

Subject January 28, 2005 Civil Rules Hearing in Dallas, Texas

RECEIVED  
12/15/04

Mr. McCabe, I send you this e-mail to request an opportunity to testify at the January 28, 2005 Civil Rules Hearing in Dallas, Texas, regarding the proposed amendments to the Federal Rules of Civil Procedure that address digital evidence preservation and discovery.

I am a lawyer in private practice, a partner with the law firm Blackwell Sanders Peper Martin, LLP. My sole client practice is working with companies on their records retention scheduling, records management compliance, and legal hold protocols. As the digital evidence discovery case law has developed over the last several years, I have wrestled with the contradictions and unanswered questions that currently exist regarding the preservation duty and its application to digital media and information, whether accessible (active and archived data) or inaccessible (such as data in disaster recovery backup media).

I'd like to testify because I find myself encountering the issues addressed by the proposed amendments on a daily basis in my practice.

If you need additional information from me at this point, please let me know. Thank you very much.

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